

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**SUSIE BRADSHAW, by and through
Magnolia Mays, Next Friend, for the
use and benefit of Susie Bradshaw,**

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:04CV322-P-A

MARINER HEALTH CARE, INC., ET AL.,

DEFENDANTS.

ORDER OF REMAND

This matter comes before the court upon Plaintiff's Motion to Remand [16-1]. Upon due consideration of the motion and the responses filed thereto, the court finds as follows, to-wit:

The defendants conceded the plaintiff's motion to remand in their Supplemental Response to the Plaintiff's Motion to Remand given the decision in *Gray v. Beverly Enterprises-Mississippi, Inc.*, 390 F.3d 400 (5th Cir. 2004) and the concession that the non-diverse defendant Peggie A. Mingie was indeed served notice pursuant to Mississippi Code Annotated § 15-1-36(15).

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Plaintiff's Motion to Remand [16-1] is **GRANTED**; therefore,

(2) This case is **REMANDED** to the Circuit Court of Bolivar County, Mississippi from whence it came.

SO ORDERED this the 26th day of May, A.D., 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE